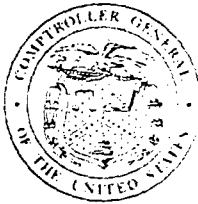


PLM-1

DECISION



THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548

9469

FILE: B-192146

DATE: March 15, 1979

MATTER OF: Walter A. Dickerson, Sr. - [Claim for Relocation Expenses]

- DIGEST: 1. Employee who has incurred reimbursable relocation expenses upon reporting for duty at new duty station pursuant valid travel orders may be reimbursed allowable relocation expenses, even though a pending request for reassignment was later denied. Travel orders usually constitute the authorization of a transfer and, generally, a transfer is effective on date employee reports for duty at new duty station. Employee may also be reimbursed for expenses incurred incident to retransfer to former duty station where employee has signed service agreement and such expenses are post approved. See Comp. Gen. decs. cited.
2. Employee who received payment of actual subsistence expenses while at new duty station to which he had been transferred is not entitled to such payment. Generally, there is no authority to allow per diem or subsistence expenses at an employee's official duty station.

*Account*

This action is in response to a request dated June 6, 1978, from Mr. H. Larry Jordan, an authorized certifying officer of the Department of Agriculture, for a decision on a voucher submitted by Mr. Walter A. Dickerson Sr., an employee of the Department of Agriculture, for relocation expenses incurred incident to a transfer from New Orleans, Louisiana, to Washington, D.C., which was later cancelled.

By travel authorization no. 93-78-04, dated October 11, 1977, Mr. Dickerson was authorized travel and relocation expenses on or about November 6, 1977, in connection with his transfer from the Department of Agriculture, National Finance Center in New Orleans to the Agricultural Stabilization and Conservation Service (ASCS) in Washington, D.C. On that same date the Acting Director, Technical Services Staff, ASCS, submitted a Request for Personnel Action (SF-52), to the Office of Personnel for official approval of the reassignment to Washington, D.C.

Mr. Dickerson traveled by privately owned automobile and arrived in Washington on November 7, 1977, and he reported for duty at the ASCS office on the following day. The agency has advised us that it believes

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B-192146

that sometime between November 1 and November 7, 1977, he was orally advised that he would be on detail to the ASCS pending the effective date of his reassignment. He was told that the Request for Personnel Action, requesting his reassignment to Washington had been forwarded to the Office of Personnel as all GS-14 level positions had to be approved by that office before being processed. The agency stated that at that time, neither they nor Mr. Dickerson anticipated that his reassignment would not be approved.

Pending final approval of the Personnel Action implementing the transfer, Mr. Dickerson was detailed to the position to which he was to be reassigned. The original request for detail was dated November 7 and was approved November 16, 1977. This detail was extended in January 1978, for a period not to exceed 120 days from November 6, 1977.

We do not view the agency's action detailing Mr. Dickerson to Washington as constituting a cancellation of his travel orders of October 11, 1977, as the detail did not expressly cancel those orders and such actions were taken by the agency in anticipation of the final approval of Mr. Dickerson's transfer.

On February 28, 1978, Mr. Dickerson's reassignment was officially disapproved. He was notified of such action on March 6, 1978, and was instructed to return to New Orleans. On March 6, he executed another 1-year service agreement and he returned to New Orleans on March 8, 1978. There is nothing in the record which would indicate that he was advised prior to March 6, 1978, that his transfer would not be approved.

On February 13, 1978, Mr. Dickerson committed himself to the sale of his residence in New Orleans and it is indicated that he could not have withdrawn from the commitment unilaterally without being required to pay a substantial penalty. The settlement date for the sale of Mr. Dickerson's residence was March 15, 1978.

Mr. Dickerson has claimed reimbursement in the amount of \$5,383.50 for real estate expenses in connection with the sale of his residence in New Orleans and \$1,058 for real estate expenses he incurred incident to his purchase of a new residence in New Orleans on May 1, 1978. He also claimed reimbursement for temporary quarters subsistence expenses for himself and his dependents at New Orleans for the period March 14, 1978, through April 12, 1978.

The agency notes that all of the relocation expenses for which Mr. Dickerson claims reimbursement were incurred by him subsequent to his being advised on March 6, 1978, of the "cancellation" of his transfer. Accordingly, the agency asks whether in view of the circumstances present, Mr. Dickerson may be reimbursed for the relocation expenses claimed.

Although the Federal Travel Regulations (FPMR 101-7) (May 1973) do not expressly state what constitutes the authorization of a transfer, travel orders are generally recognized as being the authorizing document. See Matter of Dwight L. Crumpacker, B-187405, March 22, 1977, and 54 Comp. Gen. 993 (1975). Thus, the fact that the Request for Personnel Action, authorizing Mr. Dickerson's reassignment to Washington D.C., had not yet been approved would not defeat his entitlement to reimbursement for relocation expenses.

Generally, a transfer is effective on the date that the employee arrives at his new duty station B-176857, December 22, 1972, and 23 Comp. Gen. 342 (1943). Accordingly, as Mr. Dickerson traveled pursuant to a valid travel authorization, his transfer to Washington, D.C. was effected on the day he reported for duty at the ASCS office in Washington, D.C., November 8, 1976. Thus, he would be entitled to allowable relocation benefits incident to his transfer.

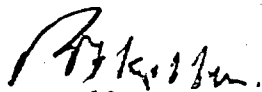
Although the sale of Mr. Dickerson's home incident to his transfer to Washington D.C., occurred subsequent to his return to New Orleans he may be reimbursed for the allowable real estate expenses he incurred as he had entered into an enforceable contract for the sale of his residence prior to being instructed to return to his former post of duty in New Orleans. Also, since his transfer to Washington D.C. had been effected, his return to New Orleans, per agency instructions, constituted a second transfer. In view of Mr. Dickerson's execution of a service agreement on March 6, 1978, we would have no objection to his being reimbursed for the expenses incurred incident to his transfer back to New Orleans on the basis of post authorization of such expenses and administrative approval of his voucher. See B-175956, July 26, 1972.

*The claimant*  
We note that Mr. Dickerson was allowed payment of actual subsistence expenses during the entire period of his duty in Washington, D.C., a high rate geographical area. Such reimbursement was improper as generally there is no authority to allow either per diem or subsistence expenses at an employees official duty station. See 53 Comp. Gen. 457 (1974) and cases cited therein. However, he may be allowed reimbursement of temporary quarters subsistence expenses in accordance with Chapter 2, Part 5 of the FTR, where otherwise proper.

*F.T.R. # para 2-3*

B-192146

☆ The amount erroneously paid Mr. Dickerson for subsistence expenses should be offset against the amount which he may be reimbursed for relocation expenses. The voucher submitted subject to the stated setoff, may be allowed in accordance with the above, if otherwise proper.

  
Deputy Comptroller General  
of the United States